

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:25-cv-434

JAMES GRADY GATHINGS, a/k/a JAMIE )  
GATHINGS, in his Individual and official )  
capacity Richmond County Commissioner, )

Plaintiff,

vs.

RICHMOND COUNTY, RICHMOND )  
COUNTY BOARD OF COMMISSIONERS; )  
RICK W. WATKINS, in his official )  
capacity; ANDY GROOMS, in his official )  
capacity; JEFF SMART, in his official )  
capacity; JUSTIN DAWKINS, in his )  
official capacity; JASON GAINEY in his )  
official capacity; and ROBIN ROBERTS, )  
in her official capacity, )

Defendants.

**NOTICE OF REMOVAL**

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Defendant Richmond County (the “County”), by and through its undersigned counsel, files this Notice of Removal pursuant to 28 U.S.C. § 1446. The County states the following in support of this removal:

1. Plaintiff James Grady Gathings (“Gathings”) commenced this action on May 29, 2024, by filing an Amended Complaint, Petition for Writ of Mandamus, Motions for Temporary and Permanent Injunctive Relief and Motion to Attorneys’ Fees and Costs against the County, as well as Defendants Richmond County Board of Commissioners, Rick W. Watkins, in his official capacity, Andy Grooms, in his official capacity, Jeff Smart, in his official capacity, Justin Dawkins, in his official capacity, Jason Gainey, in his official

capacity, and Robin Roberts, in her official capacity, in Richmond County titled *James Grady Gathings v. Richmond County, et al.*, Case No. 25CV000806-760 (the “State Court Action”).

2. The County accepted service of the Amended Complaint in the State Court Action on May 30, 2025.

3. The County files this Notice of Removal within 30 days of service of the Amended Complaint, which sets forth the claims for relief upon which this proceeding is based, pursuant to 28 U.S.C. §§ 1441 and 1446(b)(1).

4. All process, pleadings, and orders that have been filed in the State Court Action and served on the County are attached as Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4 and Exhibit 5.

5. The County has not yet filed a responsive pleading the State Court Action. In filing this Notice of Removal, the County does not waive any defense or counterclaim that may be available to it.

6. The District Courts of the United States have original jurisdiction of this action pursuant to 28 U.S.C. § 1331. Specifically, Gathings contends that Defendants violated his constitutional rights, including his rights to procedural and substantive due process. *See* Am. Compl. ¶¶ 29, 30, 40, 42, 56, 60.

7. Any pendent North Carolina state law claims arising under the same alleged events or conduct giving rise to Gathings’s claims that Defendants violated his constitutional rights are removable pursuant to 28 U.S.C. § 1441(c).

8. This Court is the proper venue for the removal of this action under 28 U.S.C. § 1446(a) because the State Court Action is pending in a court that is located in this district and division.

9. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, the County will serve upon Gathings and file with the Richmond County Clerk of Court a Notice of Filing of Notice of Removal in the form attached as Exhibit 6.

Defendant Richmond County asks that this action be removed to this Court for all further proceedings, as though this action had originally been instituted in this Court. The County further requests that this Court assume jurisdiction over this action and proceed to a final determination.

Dated: May 30, 2025.

/s/ Aaron J. Horner  
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*Attorneys for Defendant Richmond County*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2025, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system and will email and mail a copy to the following:

Ellen A. Bragg  
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*Attorney for Plaintiff*

/s/ Aaron J. Horner  
Aaron J. Horner